

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIERONE BANK,)
)
 Plaintiff,)
)
 v.) Case No. 4:08-CV-3156
)
 HARTFORD CASUALTY INSURANCE) ORDER
 COMPANY and HARTFORD ACCIDENT)
 AND INDEMNITY COMPANY,)
)
 Defendants.)

Based upon the stipulation of the parties,

IT IS HEREBY ORDERED THAT:

1. To the extent not resolved by the Court on motions for summary judgment, plaintiff's claims for prejudgment interest and reasonable attorneys fees will be decided by the Court without a jury.
2. Defendants' designation of John Diaconis as an expert witness in this case is hereby stricken, which renders moot plaintiff's motion to strike, or in the alternative, to compel. Defendants did not, merely by reason of designating Mr. Diaconis as an expert witness, waive the attorney-client privilege or work-product protection. This order does not extend to any other issue of waiver of privilege or work product.

Dated this 27th day of April 2009.

BY THE COURT

s/ *David L. Piester*
David L. Piester
United States Magistrate Judge,